

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED
AUG - 4 2003
HARFORD COUNTY COUNCIL

Case No. 5372
Date Filed 7/31/03
Hearing Date _____
Receipt _____
Fee \$1,410

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

CASE 5372 MAP 65 TYPE Special Exception

- ☒ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 1 LOCATION ES Route 40, Woodbridge Center

BY Hanson Partnership, Heaver Plaza, Suite 302, Lutherville, Md. 21093

Shelter Development LLC, Park Charles, Suite 500, 218 North Charles Street, Baltimore, Md. 21201

Appealed because a special exception pursuant to Section 267-53F(1) of the Harford County Code to construct 132 Garden Apartment units in a B3 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Hanson Partnership Phone Number call attorney
Heaver Plaza, Suite 302
Address 1301 York Road Lutherville MD 21093
Street Number Street City State Zip Code

Co-Applicant Shelter Development, LLC Phone Number call attorney
Park Charles, Suite 500
Address 218 North Charles Street Baltimore MD 21201-4019
Street Number Street City State Zip Code

Contract Purchaser Shelter Development, LLC Phone Number call attorney
Park Charles, Suite 500
Address 218 North Charles Street Baltimore MD 21201-4019
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500
11 S. Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Hearing: 9/24/03 Rev. 12/02

Land Description

Address and Location of Property 9.91 acres ES Route 40 Woodbridge Center

Subdivision Woodbridge Center Lot Number _____

Acreage/Lot Size 9.91 Election District 1st Zoning B-3

Tax Map No. 65 Grid No. 2D Parcel 285 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: vacant

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

See Attached

Justification

See Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

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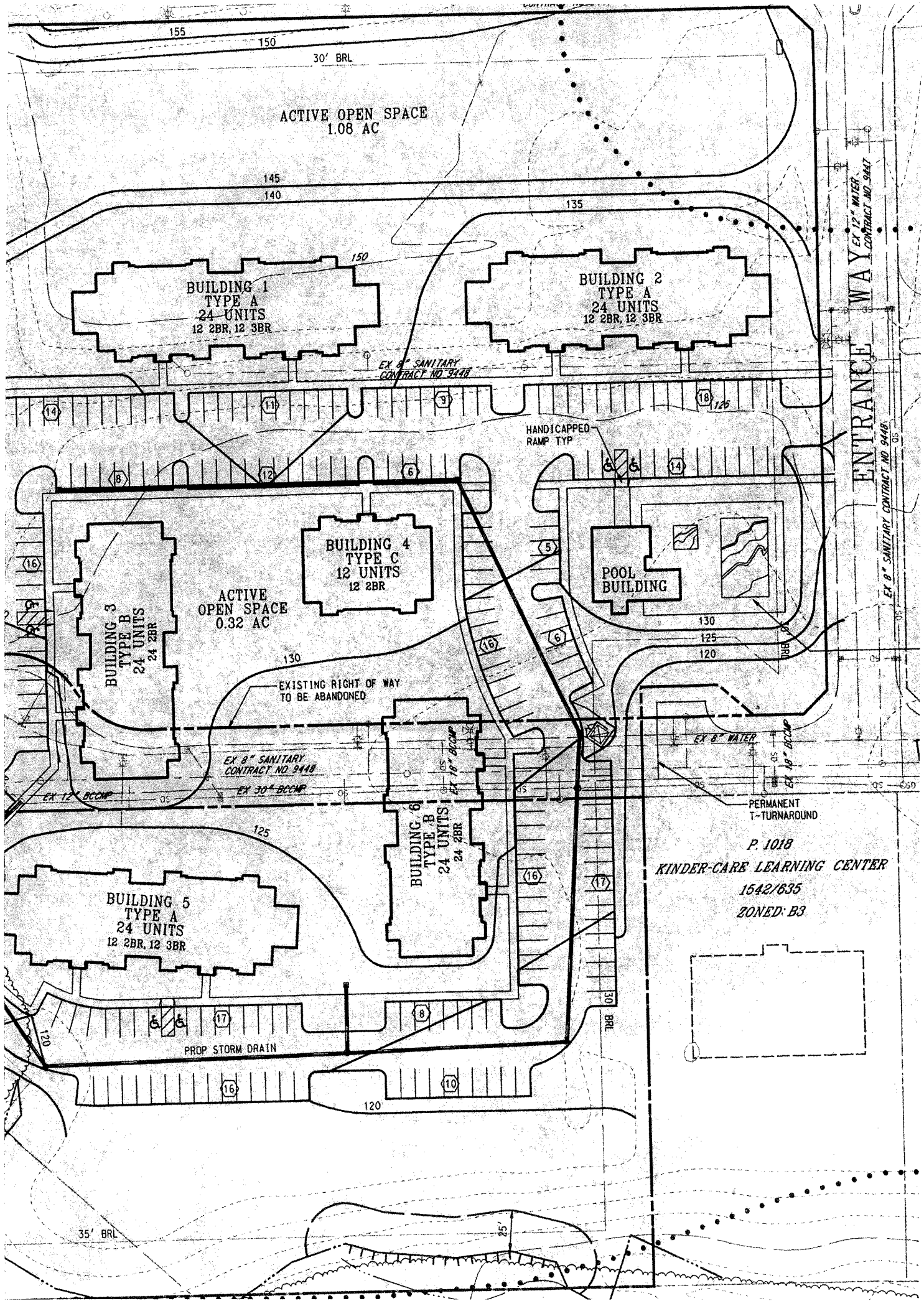
ATTACHMENT TO APPLICATION OF HANSON PARTNERSHIP

REQUEST:

A special exception pursuant to section 267-53(F)(1) of the Harford County zoning Code ("Code") to construct 132 Garden Apartment units on the subject property, zoned B-3, General Business District, as shown on the attached site plan.

JUSTIFICATION:

The proposed use is compatible with uses permitted as of right in the B-3 District and will cause no adverse impact. There is a need in the Edgewood community for housing of this type.



ACTIVE OPEN SPACE
1.08 AC

BUILDING 1
TYPE A
24 UNITS
12 2BR, 12 3BR

BUILDING 2
TYPE A
24 UNITS
12 2BR, 12 3BR

EX 8" SANITARY
CONTRACT NO 9448

HANDICAPPED
RAMP TYP

BUILDING 4
TYPE C
12 UNITS
12 2BR

POOL
BUILDING

ACTIVE
OPEN SPACE
0.32 AC

EXISTING RIGHT OF WAY
TO BE ABANDONED

EX 8" SANITARY
CONTRACT NO 9448

EX 30" DCCMP

EX 12" DCCMP

EX 8" WATER

EX 18" DCCMP

PERMANENT
T-TURNAROUND

BUILDING 5
TYPE A
24 UNITS
12 2BR, 12 3BR

BUILDING 6
TYPE B
24 UNITS
24 2BR

PROP STORM DRAIN

P. 1018
KINDER-CARE LEARNING CENTER
1542/635
ZONED: B3

ENTRANCE WAY
EX 12" WATER
CONTRACT NO 9447

EX 8" SANITARY CONTRACT NO 9448

35' BRL

25'

30' BRL

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



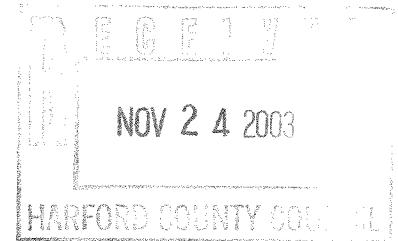
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

November 24, 2003

STAFF REPORT



BOARD OF APPEALS CASE NO. 5372

APPLICANT/OWNER: Hanson Partnership
Heaver Plaza, Suite 302
1301 York Road, Lutherville, Maryland 21093

Co-APPLICANT: Shelter Development, LLC
Park Charles, Suite 500
218 North Charles Street, Baltimore, Maryland 21201

CONTRACT PURCHASER: Shelter Development, LLC
Park Charles, Suite 500
218 North Charles Street, Baltimore, Maryland 21201

REPRESENTATIVE: John J. Gessner
11 South Main Street, Bel Air, Maryland 21014

LOCATION: East side Route 40, Woodbridge Center
Tax Map: 65 / Grid: 2D / Parcel: 285
Election District: First (1st)

ACREAGE: 9.91 acres

ZONING: B3/General Business District

DATE FILED: July 31, 2003

HEARING DATE: December 3, 2003

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicant is requesting a Special Exception pursuant to Section 267-53F(1) of the Harford County Code to construct 132 Garden Apartment units in a B3 District.

Section 267-53F(1) will be discussed in detail later in the report.

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the southwest area of the County. The property is south of Pulaski Highway in the commercial portion of the Woodbridge development. The site has frontage on the Southside of Pulaski Highway (US 40), and the west side of Woodbridge Station Way and Entrance Way. A location map and a copy of the site plan are enclosed with the report (Attachments 3 and 4).

The property is located within the Development Envelope. Land use designations include Low, Medium and High intensities. Other land use designations include Industrial Employment, Neighborhood and Community Centers. The Natural Features Map reflects parks and stream buffer systems. The subject property is designated as High Intensity, which is defined by the 1996 Master Plan as:

High Intensity - Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 5 and 6).

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Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the Master Plan. There is a mix of residential uses including apartments, condominiums, townhouses, single-family homes and a mobile home park. Commercial uses include individual retail and service uses, and shopping centers. Industrial uses include light manufacturing and warehouses. A copy of the aerial photograph is enclosed with the report (Attachment 7).

The property is located in the development of Woodbridge and is part of the Woodbridge Commercial Center. The site is unusually shaped with frontage on three roads. The subject property has frontage on the south side of Pulaski Highway (Route 40), the west side of Entrance Way and the northwest side of Woodbridge Station Way. Access is from Entrance Way. Woodbridge Station Way is proposed to be terminated at the property line in front of the Kinder-Care Learning Center. The site contains approximately 9.91 acres. The topography ranges from level to steep. Site photographs and an enlargement of the aerial photograph are enclosed with the report (Attachments 8 and 9).

Zoning:

The overall zoning conforms to the intent of the Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential District. Commercial zoning includes B3/General Business and CI/Commercial Industrial Districts. Commercial uses are generally located along Pulaski Highway (Route 40). The subject property is zoned B3/General Business District, as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicant is requesting a Special Exception pursuant to Section 267-53F(1) of the Harford County Code to construct 132 Garden Apartment units in a B3 District.

Section 267-53F(1):

F. Residential uses. [Amended by Bill Nos. 84-57; 86-12; 88-85; 88-87]

(1) Apartments, dwellings, garden, mid-rise and high-rise. These uses may be granted in the R4 and B3 Districts, provided that:

The property is zoned B3/General Business District.

(a) A minimum parcel area of not less than five (5) nor more than fifteen (15) acres shall be established.

The subject property is approximately 9.91 acres.

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- (b) *The density shall not exceed twenty (20) dwelling units per acre for mid-rise apartments and thirty (30) dwelling units per acre for high-rise apartments, and the maximum building coverage shall be forty percent (40%) of the total parcel for mid-rise apartments and thirty percent (30%) of the total parcel for high-rise apartments.*

The Applicant is proposing 6-buildings with a total of 132-apartment units, which is approximately 12.5-dwelling units per acre. The site plan proposes approximately 1.26 acres of the total 9.91 acres as building coverage, which is 12.7% of the site.

- (c) *The location is suitable for apartment dwellings with regard to traffic, access, efficiency and convenience of land use and safety.*

The location is suitable for the proposed use of apartments. Access to the site is from Entrance Way, which has been designed to handle the existing commercial uses as well as the proposed residential use.

- (d) *The proposed project is designed with properly arranged traffic flow and parking, buildings which are compatible and harmonious with surrounding uses, minimum obstruction to the view of those who live in the surrounding area and no adverse effect upon adjoining or surrounding properties.*

Ingress and egress to the site has been designed to access onto Entrance Way. The internal roads have been designed to give good traffic circulation to all of the buildings and the proposed pool serving the apartment complex. The traffic flow should not adversely impact the other uses in the immediate area. The proposed buildings are compatible with the surrounding uses. The Applicant has submitted a rendering and building elevations for the structures (Attachments 11 and 12).

- (e) *The open space shall constitute at least thirty-five percent (35%) of the parcel area, of which at least forty percent (40%) shall be suitable for and devoted to active recreation.*

The site plan presented with the application shows approximately 7 ± acres of open space. The proposed plan shows both active and passive open space. The minimum open space required is 3.67 acres. The plan proposes 1.69 acres of active open space, which exceeds 40%.

- (f) *Any area not used for buildings, structures or parking shall be landscaped and properly maintained.*

The Applicant has submitted a conceptual landscaping plan (Attachment 13). All areas not used for structures or parking are to be landscaped. A final landscaping plan shall be submitted with the site plan for review and approval by the Department of Planning and Zoning.

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- (g) *In the B3 District, apartment dwelling structures shall be able to provide retail and service uses primarily intended for the future residents to the extent of one thousand (1,000) square feet of gross floor area for every one hundred (100) dwelling units within the project. Business uses shall be located on only the first two (2) floors of any building. No more than one (1) restaurant or bar shall be permitted. No freestanding signs advertising the business uses shall be allowed.*

The Applicant is not proposing to provide retail or service uses on site.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located in the southern end of the development envelope. The proposed garden apartment project will not adversely impact persons living or working in the immediate area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Primary access to the site is from Entrance Way. The proposal will not adversely impact the roads in this area. The traffic generated from the apartments is anticipated to be less than what could be expected from commercial uses on the site.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed use is permitted in the B3/General Business District with Board approval. The neighborhood currently contains a mix of residential and commercial uses. The proposal is consistent with other uses in the area. The proposal will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposal should not have an adverse impact regarding any of the above issues.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

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The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Joppa Volunteer Fire Department will provide fire protection and emergency assistance. The property is presently being served by public water and sewer service. The Applicant is required to arrange for trash collection with a private hauler.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is consistent with accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

There are churches, schools and parks in this area of the County. These uses should not be impacted by the proposal.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed apartments are consistent with the intent of the Master Plan. The proposed use will address a need in this area of the County.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal should not adversely impact any surrounding natural features.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested special exception be approved subject to the following conditions:

1. The Applicant prepare a detailed site plan to be reviewed and approved through the Development Advisory Committee (DAC).
2. The site plan submitted to the County shall be in general compliance with the site plan approved by the Board of Appeals.
3. The Applicant shall obtain all necessary permits and approvals for the proposed use.
4. A final landscaping plan/lighting plan shall be submitted to the Department of Planning and Zoning for review and approval with the site plan.


STAFF REPORT

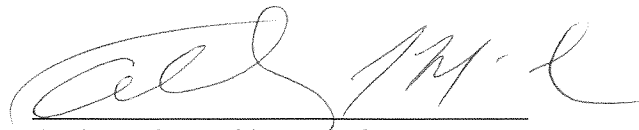
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5. The terminus of Woodbridge Station Way must be properly abandoned and incorporated into the property as shown on the Applicant's site plan. A revised plat must be submitted to the Department of Planning and Zoning for approval and recordation in the Harford County Land Records.
6. The number of apartments shall be limited to 132.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka